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 8 UNITED STATES DISTRICT COURT
 9 DISTRICT OF ARIZONA

10	United States of America,)	
11	Plaintiff,)	CR 06-02148-TUC-DCB
12	v.)	GOVERNMENT’S SENTENCING
13	Christina Valdez Angulo,)	MEMORANDUM
14	Defendant.)	
15	_____)	

16 The government, by and through its attorneys, Daniel G. Knauss, United States
 17 Attorney for the District of Arizona, and Munish Sharda, Assistant U.S. Attorney, hereby
 18 files this sentencing memorandum respectfully requesting the court accept the plea agreement
 19 in this case.

20 **I. FACT AND PROCEDURAL BACKGROUND**

21 On December 1, 2006, Tohono O’odham (TO) police conducted a traffic stop on a
 22 Pontiac Grand Prix. *See* PSR ¶ 5. The driver was identified as defendant Christina
 23 Valdez Angulo. *See id.* There were two other individuals in the vehicle. The front seat
 24 passenger was identified as defendant Bertha Anna Cebular. *See id.* Another individual,
 25 defendant Jesus Guevara-Gonzalez, was found laying on the floorboard partially covered
 26

1 with a blanket. *See id.* On December 20, 2006, a federal grand jury returned a 2-count
2 indictment charging defendants Angulo, Guevara-Gonzalez, and Cebular with Conspiracy
3 to Possess with the Intent to Distribute Approximately 97 kilograms of Marijuana, and
4 Possession with the Intent to Distribute Marijuana. *See* PSR ¶ 2. On March 8, 2007,
5 defendant Angulo pled guilty pursuant to a plea agreement. The plea agreement calls for
6 a stipulated 13 months and 1 day term of imprisonment if the defendant is a criminal
7 history category I. *See id.*

8 On June 26, 2007, a final PSR was distributed. The probation department
9 calculated the defendant Angulo’s base offense level as twenty-four. The probation
10 department reduced defendant Angulo’s base offense level by 2 for safety valve and by 3
11 for acceptance of responsibility, resulting in an adjusted offense level of nineteen. *See*
12 PSR ¶¶ 16-23. The probation department calculated defendant Angulo’s criminal history
13 category as a I, resulting in a guideline range of 30-37 months imprisonment. *See* PSR at
14 15. The probation department recommends that this court reject the plea agreement and
15 sentence defendant Angulo to a 18-month term of imprisonment. *See id.* at 15-16.

16 II. POST-MIRANDA STATEMENTS

17 The government does not object to the probation department’s advisory guideline
18 calculations. The government respectfully requests this court accept the plea agreement
19 in this case. The government believes that a term of imprisonment of 13 months and 1
20 day is appropriate for defendant Angulo. After her arrest, defendant Angulo was
21 *Mirandized* by Immigration and Customs Enforcement agents. Defendant Angulo waived
22 her *Miranda* rights and spoke to agents. She stated that she had never transported
23 marijuana in the past and that defendant Cebular introduced her to “Sarah” and
24 “Antonio,” the individuals who set-up the marijuana smuggling venture. *See* PSR ¶ 7.
25 According to defendant Angulo, she was to be paid \$3,000 for transporting the load of
26 marijuana and she was going to pay defendant Cebular \$1,000 for accompanying her.

1 Defendant Angulo further noted that she was given a map that she discarded because she
2 did not understand it. *See id.* Defendant Angulo was apparently guided by defendant
3 Cebular to the pick-up spot on State Route 86, near milepost 58. *See id.* When defendant
4 Angulo arrived at the pick-up spot, defendant Cebular told her to shout the name “Pelon.”
5 *See id.*

6 Defendant Cebular tells a different story. *See id.* at ¶ 8. According to defendant
7 Cebular’s post-*Miranda* statements, defendant Angulo and her have smuggled marijuana
8 in the past. *See id.* In fact, according to defendant Cebular, defendant Angulo and her
9 just delivered a marijuana load two weeks prior to her arrest in this case. *See id.* The
10 government is not aware of any evidence which would corroborate defendant Cebular’s
11 story or call into question defendant Angulo’s statements.

12 III. PLEA AGREEMENT

13 The government believes that the most culpable defendant in this case is Ms.
14 Cebular. According to her own admissions, she has previously smuggled marijuana in the
15 past for “Sarah” and “Antonio,” she drove a stolen vehicle to smuggle drugs for “Sarah”
16 and “Antonio,” and she knew that the back packer did not normally get into the car when
17 she previously ran loads of drugs. *See* PSR ¶ 8. In stark contrast, defendant Angulo was
18 driving the load of marijuana for the first time. She also was introduced by to “Sarah”
19 and “Antonio” by defendant Cebular, and defendant Cebular guided her to the pick-up
20 spot.

21 In fashioning an appropriate sentence, the district court is required to consult the
22 advisory sentencing guidelines and Title 18 United Code Section 3553(a). *See United*
23 *States v. Booker*, 543 U.S. 220 (2005); *see also United States v. Cantrell*, 433 F.3d 1269,
24 1280-81 (9th Cir. 2006). In its discretion, the district court can deviate from the advisory
25 guidelines in fashioning an appropriate sentence. More specifically, the district court may
26 accept a plea agreement in which there is a stipulated sentence between the parties if the

1 agreement is not tied to the advisory sentencing guidelines. *See United States v. Pacheco-*
2 *Navarette*, 432 F.3d 967, 971 (9th Cir. 2005).

3 The government respectfully requests that this Court to accept defendant Angulo’s
4 plea agreement. The government extended the plea agreement based on an assessment of
5 the case and defendant Angulo’s culpability. Defendant Angulo’s culpability is much the
6 same as the backpacker, defendant Jesus Guevara-Gonzalez. Defendant Angulo was
7 guided by defendant Cebular to the marijuana pick-up spot, defendant Cebular introduced
8 her to “Sarah” and “Antonio,” and this was the first time defendant Angulo transported
9 drugs. To be sure, defendant Cebular told a different version of events. Nevertheless, in
10 order to prove defendant Cebular’s version of events, and thus increase defendant
11 Angulo’s sentence, the government needs defendant Cebular to testify against her. As the
12 court is aware, defendant Cebular is pending trial on the indictment in the above
13 captioned case. Defendant Cebular committed this offense while on pre-trial release and
14 on fugitive status on an unrelated alien smuggling charge. *See CR 06-1804-TUC-FRZ*
15 *(HCE)*. Defendant Cebular has pled not guilty to the charge and is proceeding to trial.
16 Trial on the alien smuggling charge is set for August 21, 2007.

17 Based on the facts of this case, defendant Angulo’s statements, and the inability to
18 prove that defendant Angulo was much more culpable than a drug courier/mule, the
19 government believes a term of imprisonment of 13 months and 1 day is appropriate.
20 Accordingly, the government urges the court to accept the plea agreement in this case.

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1 Respectfully submitted this 17th day of August, 2007.

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3 DANIEL G. KNAUSS
4 United States Attorney
5 District of Arizona

6 *S/ Munish Sharda*

7 MUNISH SHARDA
8 Assistant U.S. Attorney

9 **CERTIFICATION OF SERVICE**

10 I hereby certify that on August 17, 2007, I electronically transmitted the attached
11 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
12 Notice of Electronic Filing to the following CM/ECF registrants:

13 Antonio Bustamante, Esq.
14 Attorney for Defendant Angulo
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